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**ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,	CR 15-93-BLG-SPW
Plaintiff,	PRE-HEARING MEMORANDUM
vs.	RE: NOVEMBER 24, 2015
JESUS YEIZON DENIZ MENDOZA,	STATUS CONFERENCE
Defendant.	

In preparation for the status conference currently scheduled for Monday, November 24, 2015, at 1:30 p.m., the United States advises the Court and counsel of the following:

1. On November 17, 2015, the United States Attorney for the District of Montana submitted an extensive memorandum to the Capital Crimes Section of the United States Department of Justice providing his recommendation regarding whether the United States should seek the death penalty in this case. The United States had hoped to file the memorandum much earlier, but delayed doing so because the government sought to obtain records relevant to the defendant's background that could bear on the United States Attorney's recommendation to the Capital Crimes Section. Ultimately, after consulting with the defendant and unsuccessfully attempting to learn his position on a proposed motion to obtain the records, the government filed a motion to procure the records on October 19, 2015. On November 13, 2015, the Court denied the motion. Thereafter, the United States Attorney completed the memorandum and submitted it to the Capital Crimes Section.

2. Accordingly, the Attorney General has not made a decision about whether to seek the death penalty. That decision will not be made before the defendant and his counsel are given an opportunity to present any evidence to the government that they deem relevant and appropriate.

3. To provide the defendant and his counsel with a reasonable opportunity to make any presentation that they deem appropriate to the government regarding why the death penalty should be sought, and to ensure that this case moves forward in a timely fashion, at the status conference the United States will request that the Court set certain deadlines. The proposed deadlines are:

a. A deadline of December 14, 2015, for the defendant to provide any information and argument to the United States Attorney regarding why the death penalty should not be sought in this case;

b. A deadline of December 23, 2015, for either party to move for a competency evaluation of the defendant, pursuant to 18 U.S.C. § 4241;

c. A deadline of January 4, 2016, for the defendant to meet with the Attorney General's Review Committee to present any information and argument why the death penalty should not be sought in this case¹;

d. A deadline of March 1, 2016, for the filing of the notice, under 18 U.S.C. § 3593, that the United States intends to seek the death penalty, if that is in fact the decision made by the Attorney General; and

e. A June 6, 2015 trial setting, to be preceded by appropriate deadlines set by the Court for such matters associated with the orderly disposition of a criminal

¹ That meeting can be done via a videoconference and does not require counsel to travel to Washington, D.C.

case, such as deadlines for the filing of pretrial motions/motions *in limine*, the plea agreement, and the submission of trial briefs and jury instructions.

DATED this 19th day of November, 2015.

MICHAEL W. COTTER
United States Attorney

s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney